

United States Senate

WASHINGTON, DC 20510

February 24, 2005

The Honorable Arlen Specter
Chairman
United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Specter:

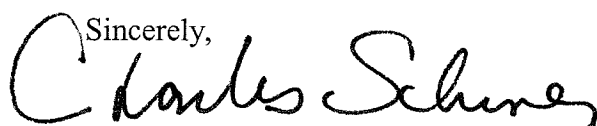
First, let me tell you how pleased I am that you have returned to the Senate so quickly, and wish you continued success in this next health fight. I have no doubt that you will prevail in this as you always have in the past.

I write this morning because I was gratified and encouraged to read in today's *Washington Post* that you believe that the "advice clause in the Constitution has been largely ignored." I also agree with your analysis that the so-called "nuclear option," which would unilaterally end more than two hundred years of Senate precedent, rules and tradition with the blunt hand of a ruling from the Vice President, would throw the Senate into turmoil – and, indeed, probably simply shut down the Senate altogether.

You have a long history of fairness when it comes to approaching the judicial nominations process. You have always approached individual nominees, and the process itself, with a desire to give every nominee a fair shot, but also to protect the prerogatives of the Senate. I think you and I can agree that nominees, particularly for the appellate courts and the Supreme Court, should be of the highest quality, and should be without bias on either side of the political spectrum.

With this in mind, I would urge you to put together a small, bipartisan group of United States Senators to ensure that the Constitution's advice role is truly meaningful during the lead up to the next Supreme Court nomination. This group should meet with the President sometime in the next few weeks, and could eventually even make joint recommendations to the President of nominees that are highly qualified and could get broad, bipartisan support in the Senate.

I believe that we have a real chance to work together to avoid the partisan breakdown that so many predict as inevitable as we approach a Supreme Court nomination. But we can only do it together. I would welcome the opportunity to discuss these issues with you further and look forward to hearing from you soon.

Sincerely,


Charles E. Schumer
United States Senator